

EXHIBIT I

**TO THE DECLARATION OF ADA K. WONG IN SUPPORT
OF PLAINTIFF'S THIRD MOTION TO COMPEL DISCOVERY
RESPONSES**

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JILLIAN HORMAN, an individual,

Plaintiff,

v.

SUNBELT RENTALS, INC., *et al.*,

Defendants.

Case No. 2:20-cv-00564-TSZ

**PLAINTIFF'S SIXTH SET OF
REQUESTS FOR PRODUCTION TO
DEFENDANT SUNBELT RENTALS,
INC.**

TO: SUNBELT RENTALS, INC., Defendant

AND TO: SHANE P. CRAMER, PATRICIA J. HILL and YASH B. DAVE, Counsel for
Defendant

SET NO.: SIX

Plaintiff Jillian Horman, in her individual capacity herein, hereby serves these Requests
for Production upon Defendant Sunbelt Rentals, Inc.

THIS IS A REQUEST FOR PRODUCTION, PURSUANT TO FED. R. CIV. P. 34.

Please produce requested items for inspection and copying at the offices of Ada K.
Wong, AKW Law, P.C., 6100 219th Street SW, Suite 480, Mountlake Terrace, WA 98043,
thirty (30) days from the date of service of this set of Requests for Production upon you.

**PLAINTIFF'S SIXTH SET OF REQUESTS FOR PRODUCTION TO
DEFENDANT SUNBELT RENTALS, INC. - 1**
Case No. 2:20-cv-00564-TSZ

AKW LAW, P.C.
6100 219th St. SW, Suite 480
Mountlake Terrace, WA 98043
Tel. (206) 259-1259 / Fax (855) 925-9529

1 Be advised that the Requests for Production herein apply to all information and items
2 within your knowledge or control, and that of your attorneys, agents, representatives and other
3 persons acting on your behalf.

4 If there are any additions, deletions or changes in the answers or information provided
5 at any time prior to trial, you are specifically directed to immediately so inform plaintiff's
6 counsel. If additional documents are discovered between the time of making these answers
7 and the time of trial, these Requests for Production are directed to that information. If such
8 documents are not seasonably furnished within a reasonable time prior to trial, the undersigned
9 will move at or before trial to exclude from evidence any such documents known to you or in
10 your possession or that of your attorneys, agents, liability insurers, and others acting on your
11 behalf, and will request other appropriate sanctions.

12 DEFINITIONS

13 As used herein:

14 1. **Communication.** The term "communication" means any oral or written
15 expression or exchange of information by speech, writing, or conduct including, but not limited
16 to, in-person conversations, telephone conversations, correspondence, email messages, text
17 messages, electronic instant messages, social media messages, and all other forms of
18 communication.

19 2. **Document.** The term "document" shall be used in its broadest sense as
20 permitted by Federal Rules of Civil Procedure 26 and 34 and means all writings of every kind
21 including, but not limited to, the original or any legible copy of all records, letters,
22 correspondence, appointment books, diaries, files, notes, statements, memoranda or minutes
23 of meetings, conferences and telephone calls, emails, faxes, receipts, written reports or

1 opinions of investigators or experts, status reports, drawings, charts, photographs, negatives,
 2 brochures, lists, schedules, manuals, technical notes or standards, expense accounts, financial
 3 statements or audit reports, however produced or reproduced, within your possession or subject
 4 to your control, of which you have knowledge or to which you now have or previously had
 5 access. The term “document” includes drafts and copies that are not identical duplicates of the
 6 originals, and copies of documents, the originals of which are not in your possession, custody,
 7 or control.

8 3. ***Identity of Individuals.*** Where the name or identity of an individual person is
 9 requested, or where the term “identify” is used in reference to an individual person, please state
 10 with respect to each such person:

- 11 a. Full name;
- 12 b. Current or last known residence address, and telephone number;
- 13 c. Current or last known business address and telephone number;
- 14 d. All known email addresses;
- 15 e. Current position or occupation;
- 16 f. Employer;
- 17 g. His or her present whereabouts and his or her present employment
- 18 position and business affiliation at the time in question; and,
- 19 h. Relationship to you.

20 Unless it otherwise appears from the context, a request for the identity of a person
 21 relates to all persons in such classification or category.

22 4. ***Identity of Document.*** The term “identify,” when used in reference to a
 23 document, means to state with respect to each document:

- 1 a. Title of document;
- 2 b. The date of preparation of the document;
- 3 c. The name and title of each author, sender, creator and initiator of such
- 4 document;
- 5 d. The name and title of recipient, addressee, or party for whom such
- 6 document was intended (if any);
- 7 e. The nature of the document (e.g., letter, memorandum, tape) and other
- 8 means of identification sufficient to identify the document for purposes of a request for
- 9 production, and to further state its present location and custodian;
- 10 f. Source from whom or from which you obtained the document;
- 11 g. Number of pages the document comprises;
- 12 h. Production number(s); and,
- 13 i. If any such document was, but no longer is, in your possession or
- 14 custody or subject to your control, describe what disposition was made of it, and give
- 15 the name, address and telephone number of the person presently having possession,
- 16 custody or control of the document.

17 5. ***Identity of Entity.*** The term “identify,” when used in reference to an entity
18 other than a natural person, means to state with respect to each such entity:

- 19 a. Full legal name or title;
- 20 b. Form of business (i.e. profit corporation, partnership);
- 21 c. Complete business location and mailing address;
- 22 d. Telephone and facsimile numbers;
- 23 e. State of incorporation or juridical organization;

1 f. Address of headquarters of principal place of business; and,

2 g. Relationship to you.

3 6. **Knowledge or Information.** Where your knowledge or information in your
4 possession is requested, that request includes knowledge of your agents, representatives,
5 employees and attorneys. When the answer is made by a corporate defendant, the name,
6 address and title of the person supplying the information and the source of such person's
7 information must be included as well.

8 7. **Sources of Information.** The phrase "state the source of your information"
9 means to identify the person and the documents from which the information was obtained
10 where your answers are not based upon your own first-hand information.

11 8. **Person.** "Person" means, without limitation, any natural person, proprietorship,
12 companies, firms, corporations, partnerships, limited liability companies, independent
13 contractors, groups, associations, joint ventures, associations, trusts, estates, communities,
14 agencies, institutions, labor unions, or any form of business, social or legal entity, including
15 governmental subdivisions.

16 9. **You/Defendant.** "You" means SUNBELT RENTALS, INC., located at 2341
17 Deerfield Dr, Fort Mill, South Carolina 29715-8298 at its 17950 Redmond Way, Redmond,
18 Washington 98052 location, and its attorneys, agents, employees, officers, representatives,
19 adjusters, investigators and all other persons who are in possession of or who have obtained
20 information on your behalf.

21 10. **And/or.** "And" or "or" means "and/or," with the singular form being deemed
22 to include the plural and vice versa.

23 11. **"He"** or any other masculine, feminine or neuter pronoun means any individual,

1 regardless of sex or entity, to whom the interrogatory or request for production would
2 otherwise apply.

3 12. ***“Relating to”*** means to be relevant in any way to the subject matter in questions,
4 including without limitation all information that directly or indirectly contains, describes,
5 records summarizes, evaluates, refers to, is pertinent to, comments upon, or discusses the
6 subject matter or that states the background of, or was the basis for, or that records, evaluates,
7 was referred to, relied upon, used generated, transmitted, or receive din arriving at any
8 conclusion, opinion, estimate, position, decision, belief, or assertion concerning the subject
9 matter.

10 13. ***“Any”*** should be understood in either its most or least inclusive sense as
11 necessary to bring within the scope of the discovery request all responses that might otherwise
12 be construed to be outside of its scope.

13 14. ***“Claim”*** means a demand or assertion, whether oral or written, formal or
14 informal, by any person for monetary payment, the undertaking of action, or the cessation of
15 action.

16 15. ***“Complaint”*** or ***“comment”*** (e.g., about retaliation, harassment or
17 discrimination) means any statement, whether or not specifically denominated as a complaint
18 or comment, which could reasonably be considered or construed to be a comment or complaint
19 concerning harassment or discrimination based on any protected class or activity, including
20 but not limited to, a person’s race, color, national origin, sex, sexual orientation, religion,
21 disability, military service or status, taking designated medical leave, reporting regulatory or
22 safety violations, or any other harassment, discrimination or retaliation on any basis alleged
23 herein, including retaliation on any protected or illegal basis whatsoever.

1 16. “**Discrimination**” includes discrimination on any protected basis, and is not
2 limited to tangible or adverse employment actions, and shall also mean acts of harassment
3 whether or not such acts actually constitute a hostile working environment.

4 17. “**Personnel File**” means all records pertaining to a person’s employment,
5 including but not limited to those relating to duties, salary, promotions, evaluations, discipline,
6 grievances, benefits, discharge, resignation, suspensions, training, layoff or retirement, or any
7 other aspect of the person’s employment, whether or not maintained in a compilation or
8 collection referred to as a “personnel file.” It shall also include, not only the official “personnel
9 file” of any Defendant corporation or agency, but also all supervisor’s desk files and any other
10 documents or records containing such information. Each such separate portion of the
11 personnel file shall be produced in its entirety, including with folder tabs and labels, so that the
12 origin or source of said files and documents is preserved and can be identified.

13 18. All documents, including records, files, e-mails, correspondence, and
14 memorandum, stored electronically must be produced in its native format, including all
15 metadata.

16 19. The use of the singular form of any word includes the plural and vice versa. The
17 masculine includes the feminine and neuter genders. The past tense includes the present tense
18 where the clear meaning is not distorted by change of tense. “And” as well as “or” shall be
19 construed disjunctively or conjunctively as necessary to bring within the scope of the request
20 all responses that otherwise might be construed to be outside the scope. “Include” and
21 “including” and variations thereof shall not be interpreted in terms of limitations but shall be
22 deemed to be followed by the words “without limitation.” “Any” shall be construed as
23 synonymous with “every and “all” and shall be all-inclusive.

5. Documents No Longer in Possession of Respondent/Destroyed Documents:

If any responsive document is no longer in your possession, custody or control, produce a description of each such document. The description shall include the following:

- a. Name of each author, sender, creator, and initiator of such document;
- b. Name of each recipient, addressee, or party for whom such document
- c. Date the document was created;
- d. Date(s) the document was in use;
- e. Detailed description of the content of the document;
- f. Reason it is no longer in your possession, custody, or control; and,
- g. Current location of the document.

6. **Duty to Supplement:** The Request imposes a continuing duty on you to produce promptly any responsive document, information, or item that comes into your knowledge, possession, custody, or control after your initial production of responses to the requests. You are also required to amend your responses if you discover a previous response was incorrect or incomplete.

DATED April 27, 2021.

AKW LAW, P.C.

/s/ Ada K. Wong

/s/ *Jordan T. Wada*

Ada K. Wong, WSBA #45936

Jordan T. Wada, WSBA #54937

Attorneys for Plaintiff

6100 219th St. SW, Suite 480

Mountlake Terrace, WA 98043

Tel.: (206) 259-1259

**PLAINTIFF'S SIXTH SET OF REQUESTS FOR PRODUCTION TO
DEFENDANT SUNBELT RENTALS, INC. - 9**
Case No. 2:20-cv-00564-TSZ

AKW LAW, P.C.
6100 219th St. SW, Suite 480
Mountlake Terrace, WA 98043
Tel. (206) 259-1259 / Fax (855) 925-9529

Fax: (855) 925-9529

E-mail: ada@akw-law.com

E-mail: jordan@akw-law.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Please produce a copy of all documents, notes, audio or video recordings, correspondence, memoranda, e-mails, letters, files or other communications maintained by Defendant SUNBELT RENTALS, INC. regarding, referring to, and/or related to Defendant SUNBELT RENTALS, INC.'s "Return to Work" program in effect in 2018 and/or 2019 in Washington state.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

Please produce a copy of all documents, notes, audio or video recordings, correspondence, memoranda, e-mails, letters, files or other communications maintained by Defendant SUNBELT RENTALS, INC. regarding, referring to, and/or related to Defendant SUNBELT RENTALS, INC.'s employees who were absent two (2) consecutive work days and did not have prior approval or give proper notice of their absence to their manager or supervisor in 2018 and/or 2019 in Washington state. This includes any discipline or termination as a result. Any "no call no shows" would also be responsive to this Request.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

1 Please produce a copy of all documents, correspondence, memoranda, e-mails, letters,
2 files or other communications maintained by Defendant SUNBELT RENTALS, INC.
3 regarding, referring to, and/or related to the work schedules as well as actual hours worked of
4 Defendant SUNBELT RENTALS, INC.'s employees in the same of similar position as
5 Plaintiff HORMAN (Driver 1), including but not limited to calendars, reported "time blocks,"
6 and reported VDOS logs, in effect in 2019 in Washington state.

7 **RESPONSE:**

8
9
10 **REQUEST FOR PRODUCTION NO. 4:**

11 Please produce a copy of all job descriptions for all Drivers to the extent not already
12 produced in litigation for Defendant SUNBELT RENTALS, INC. in effect in 2018 and 2019
13 in Washington state.

14 **RESPONSE:**

15
16
17
18 **DATED** April 27, 2021.

19 **AKW LAW, P.C.**

20
21 /s/ Ada K. Wong

22 /s/ Jordan T. Wada

23 Ada K. Wong, WSBA #45936

Jordan T. Wada, WSBA #54937

Attorneys for Plaintiff

6100 219th St. SW, Suite 480

Mountlake Terrace, WA 98043
Tel.: (206) 259-1259
Fax: (855) 925-9529
E-mail: ada@akw-law.com
E-mail: jordan@akw-law.com

ATTORNEY CERTIFICATION

The undersigned counsel for defendant hereby certifies Defendant's responses pursuant to Federal Rule of Civil Procedure 26(g).

Dated this _____ day of _____, 2021.

Shane P. Cramer, WSBA #35099
Attorney for Defendant

Patricia J. Hill, FL Bar #0091324
Yash B. Dave, FL Bar #0068573
Pro hac vice Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On April 27, 2021, I caused a copy of the foregoing to be served on the parties listed below in the manner specified below:

Shane P. Cramer Harrigan Leyh Farmer & Thomsen LLP 999 Third Avenue, Suite 4400 Seattle, WA 98104 E-mail: shanec@harriganleyh.com E-mail: conniej@harriganleyh.com Attorneys for Defendant Sunbelt Rentals, Inc.	<input type="checkbox"/>	VIA FACSIMILE
	<input type="checkbox"/>	VIA FIRST CLASS U.S. MAIL
	<input type="checkbox"/>	VIA MESSENGER/HAND DELIVERY
	<input checked="" type="checkbox"/>	VIA E-MAIL/E-FILE <i>Per 5/21/2020 Stipulation</i> <i>Regarding Electronic Service</i>
Patricia J. Hill Yash B. Dave Smith, Gambrell & Russell, LLP 50 North Laura Street, Suite 2600 Jacksonville, FL 32202 E-mail: pjhill@sgrlaw.com E-mail: ydave@sgrlaw.com E-mail: cmarsch@sgrlaw.com E-mail: dcote@sgrlaw.com E-mail: ijones@sgrlaw.com E-mail: callard@sgrlaw.com Pro hac vice Counsel for Defendant Sunbelt Rentals, Inc.	<input type="checkbox"/>	VIA FACSIMILE
	<input type="checkbox"/>	VIA FIRST CLASS U.S. MAIL
	<input type="checkbox"/>	VIA MESSENGER/HAND DELIVERY
	<input checked="" type="checkbox"/>	VIA E-MAIL/E-FILE <i>Per 5/21/2020 Stipulation</i> <i>Regarding Electronic Service</i>
Isabel Johnson LAW OFFICE OF ISABEL S. JOHNSON, PLLC 748 Market Street #15 Tacoma WA 98402	<input type="checkbox"/>	VIA FACSIMILE
	<input type="checkbox"/>	VIA FIRST CLASS U.S. MAIL
	<input type="checkbox"/>	VIA MESSENGER/HAND DELIVERY

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	E-mail: isabel@isjlaw.com <i>Co-Counsel for Plaintiff</i>	<input checked="" type="checkbox"/>	VIA E-MAIL/E-FILE <i>Per 2/8/2021 Supplemental Stipulation Regarding Electronic Service</i>
---	---	-------------------------------------	---

Dated April 27, 2021, at Mountlake Terrace, Washington.

/s/ Kaila A. Eckert
Kaila A. Eckert, Paralegal